IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3942 OF 2005

Mrs. Rashida Saifuddin Chogale ..Petitioner.

Versus

Bharat Sanchar Nigam Ltd., & Anr. ..Respondents.

Mr. G.S. Kulkarni, Amicus Curiae, for the Petitioner.

Mr. N.V. Masurkar for the Respondents.

CORAM : S. A. BOBDE, J .

DATED : 01ST JULY, 2005.

P.C.:

. The petitioner has challenged the order of the District Judge, Raigad, refusing to consider his application for condonation of delay in challenging the Award under section 34 of the Arbitration and Consolidation Act, 1996. The Award is dated 03.02.2004. The petitioner filed the application, admittedly, after 287 days. In view of the judgment of the Supreme Court in the case of Union of India vs.

Popular Constructions Co., reported in (2001) 8 Supreme Court Cases 470, the District Judge has rightly rejected the application since the petitioner has filed the said application for condonation, beyond the time prescribed by section 34 of the said Act. There is no merit in the petition, which is hereby dismissed.

. I would like to express my appreciation of Mr. G.S.Kulkarni, Advocate for his assistance as amicus curiae.

01.07.2005 (S.A.BOBDE,J.)

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